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## **REMARKS**

This Amendment is presented in response to the Examiner's Office Action mailed September 11, 2003 (the "Office Action"). Claims 1, 7, 13 and 21 are amended. Claims 1-24 remain pending.

Reconsideration of this application is respectfully requested in view of the above amendments to the claims and the following remarks. For the convenience and reference of the Examiner, the remarks of the Applicant are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. Specification**

The Examiner has objected to the abstract of the disclosure as being in excess of 150 words. In light of the amendment to the Abstract herein, Applicant respectfully submits that the objection of the Examiner has been overcome and should be withdrawn.

### **II. Claim 1 Objection**

The Examiner has objected to claim 1, stating that "'(ii)' is recited twice in line 14 and 16" and, further that "This objection may be obviated by replacing '(ii)' in line 16 with - - (iii) - - ." As Applicant has amended claim 1 herein in the manner suggested by the Examiner, Applicant respectfully submits that the objection of the Examiner has been overcome and should be withdrawn.

### **III. Drawings**

The Examiner has objected to the drawings stating that "The drawings must show every feature of the invention specified by the claims" and that the following features must be shown or the feature(s) canceled from the claim(s): "claims 7, 13, and 21, the heat pipe attached to the cooling block and having an interior portion in fluid communication with the chamber"; "claim 22, at least one extended surface is joined to at least one heat pipe"; and, "claim 24, helical fins."

In light of the amendment herein to claims 7, 13 and 21, Applicant submits that the objection of the Examiner as to those claims has been overcome and should be withdrawn.

As to claim 22, Applicant respectfully submits that the proposed drawing correction to Figure 4 submitted herewith overcomes the objection posed by the Examiner. Moreover, Applicant further submits that no new matter is added by such proposed drawing correction as claim 22 was included in the application as initially filed.

Finally, with respect to claim 24, Applicant respectfully submits that the proposed drawing correction to Figure 2 submitted herewith overcomes the objection posed by the Examiner. Moreover, Applicant further submits that no new matter is added by such proposed drawing correction as claim 24 was included in the application as initially filed.

#### **IV. Claim Rejections Under 35 U.S.C. § 103(a)**

In connection with the matters contemplated herein, Applicant respectfully notes at the outset that the following discussion should not be construed to constitute an exhaustive enumeration of the distinctions between the claims of the present application and the references cited by the Examiner. Instead, such distinctions are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner.

Applicant notes further that the arguments presented herein have been made merely to clarify the claimed invention from elements purported by the Examiner to be disclosed by the cited prior art references. Such arguments should not, however, be construed as an acquiescence on the part of the Applicant as to the purported teachings or prior art status of any of the cited references, nor as to the characterization of the cited references advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of any and all of the cited references at any appropriate time.

With particular reference now to the obviousness rejections posed by the Examiner in the Office Action, Applicant respectfully notes that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior

art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

**A. Alleged Obviousness of Independent Claims 1, 9 and 15**

The Examiner has rejected all of the pending independent claims, namely, claims 1, 9 and 15, under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,160,868 issued to *Snyder et al.* (“*Snyder*”) in view of U.S. 4,071,768 issued to *Goodenough* (“*Goodenough*”), U.S. 6,445,769 issued to *Panasik et al.* (“*Panasik*”) and JP 353-126887 issued to Odohira et al. (“*Odohira*”). However, Applicant disagrees with the contentions of the Examiner and respectfully submits that, for at least the reasons outlined below, the rejection of those claims, as well as the rejections of the corresponding dependent claims, should be withdrawn.

In posing the rejection of independent claims 1, 9 and 15, the Examiner has characterized *Snyder* as teaching “a bearing housing (Fig. 1, #16), a heat sink including a cooling block (Fig. 1, #28) and a shell joined to the cooling block and enclosing the area of heat transfer and cooperating therewith to define a coolant chamber (Fig. 1, shell for #36).” Notwithstanding such characterization, Applicant respectfully submits that the Examiner has failed to establish that *Snyder* teaches the limitation of independent claims 1 and 9 of “a cooling block joined to said bearing housing.” In fact, *Snyder* discloses no such arrangement. With particular reference to Figure 1 of *Snyder*, it is clear that the “cooling block (Fig. 1, #28)” is not joined to the “bearing housing (Fig. 1, #16),” as independent claims 1 and 9 clearly require. Moreover, the Examiner has not established that the aforementioned limitation of claims 1 and 9 is supplied by any of the other cited references.

Additionally, independent claim 15 requires, among other things, “a cooling block configured for attachment to the bearing housing.” However, *Snyder* fails to teach this limitation as well. In particular, it is clear that the “cooling block (Fig. 1, #28)” of *Snyder* is not configured to be attached to the “bearing housing (Fig. 1, #16),” as claim 15 requires. Further, the Examiner has not established that the aforementioned limitation of claim 15 is supplied by any of the other cited references.

Not only does *Snyder* fail to disclose, at least, the aforementioned limitations of independent claims 1, 9 and 15, but it is also clear that, contrary to the assertion of the Examiner, *Snyder* fails to teach a “shell joined to said cooling block,” as required by independent claims 1, 9 and 15. As best understood by the Applicant, the Examiner has characterized *Snyder* as teaching a “shell 36” joined

to the “cooling block 28.” Notwithstanding the characterization advanced by the Examiner, it is nonetheless clear from Figures 1 and 3 of *Snyder* that not only is the “shell” 36 not joined to the “cooling block 28,” as required by independent claims 1, 9 and 15, but the “shell” 36 does not even contact the “cooling block 28.” Rather, as best illustrated in Figure 3 of *Snyder*, there is a gap between the “shell 36” and the “cooling block 28.”

For at least the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claims 1, 9 and 15. In particular, even when the prior art references are used to form the various allegedly obvious combinations suggested by the Examiner, it is clear that none of the resulting combinations teaches or suggests all the limitations of independent claims 1, 9 and 15. Applicant thus respectfully submits that the rejection of independent claims 1, 9 and 15 has been overcome and should, accordingly, be withdrawn.

**B. Alleged Obviousness of Dependent Claims 2-8, 10-14 and 16-24**

As noted above, the Examiner has failed to establish that any of the cited references teach the limitation of claims 1-14 of “a cooling block joined to said bearing housing.” The Examiner has similarly failed to establish that any of the cited references teach the limitation of claims 15-24 of “a cooling block configured for attachment to the bearing housing.” Finally, it is clear the *Snyder* reference, cited in every 35 U.S.C. § 103(a) rejection posed by the Examiner, fails to disclose, at least, a “shell joined to said cooling block,” a limitation required by all of the pending claims.

For at least the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to dependent claims 2-8, 10-14 and 16-24. In particular, even when the prior art references are used to form the various allegedly obvious combinations suggested by the Examiner, it is clear that none of the resulting combinations teaches or suggests all the limitations of dependent claims 2-8, 10-14 and 16-24. Applicant thus respectfully submits that the rejection of dependent claims 2-8, 10-14 and 16-24 has been overcome and should, accordingly, be withdrawn.

### CONCLUSION

In view of the discussion, amendments and drawing corrections submitted herein, Applicant respectfully submits that each of the pending claims 1-24 is now in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 11<sup>th</sup> day of February, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. L. Maschoff", written in a cursive style.

Eric L. Maschoff  
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